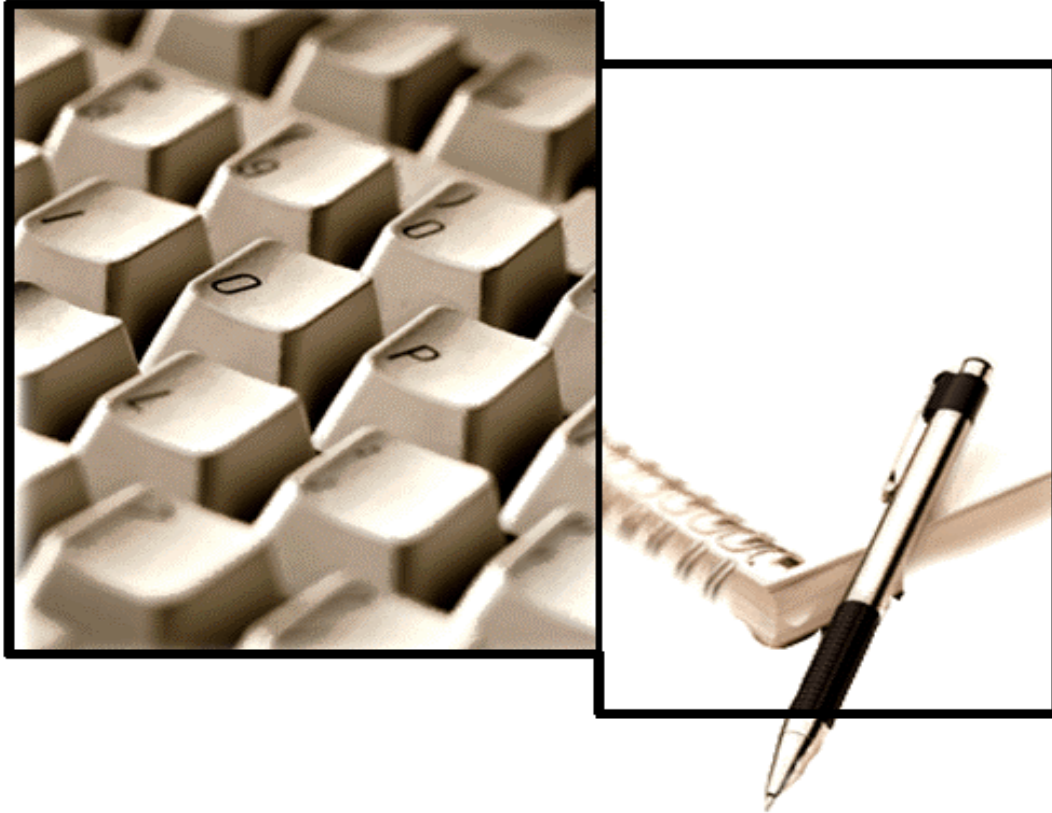


Title II Claims Representative Basic Training Curriculum



Disability Benefits

Unit 4

Lessons 28 - 37

STUDENT

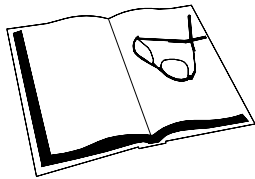
SOCIAL SECURITY ADMINISTRATION,
Office of Human Resources, Office of Training
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LESSON PLAN**Lesson
Objectives**

At the completion of this lesson, the students will be able to:

1. Identify and determine the factors of entitlement to DIB.
2. Compute DIB insured status.
3. Compute date last insured (DLI).
4. Determine when benefits will be suspended or terminated.

Length of Lesson

7 hours

Local Supply

SSA-1164

BACKGROUND AND RATIONALE

Introduction

A period of disability can have short and long range effects on an individual's economic welfare.

The individual's family may suffer from financial hardships due to the disability of the worker. The SSA disability program provides protection to workers and their families against the economic consequences of prolonged and severe disability.

Legislative History

Social Security was originally conceived as a retirement program with survivor benefits added later.

The original disability provisions were enacted in 1954. They provided for a freeze of the worker's insured status. This meant that future benefits would not be reduced by the loss of earnings during the period of disability.

The 1956 Amendments provided for cash benefits to a disabled worker age 50 or older, with cash benefits for auxiliaries beginning September 1958 on the same basis as in retirement claims. The 1960 Amendments removed the age restriction for disabled workers.

Text of the Lesson

This lesson explains Social Security's definition of disability, the disability freeze, and disability insurance benefits (DIB). You will also learn that insured status requirements under disability are different from RSI requirements. In addition to being fully insured, a worker must have worked in covered employment for at least 5 of the 10 years (20 out of 40 quarters) before the onset of disability.

A less restrictive insured status requirement applies to persons who are disabled before the quarter of attainment of age 31, or who are blind.

Although Black Lung (BL) claims under the Black Lung Benefits Reform Act are not included in this lesson, you should be aware of this type of claim, which is essentially a separate type of disability claim. New BL claims are usually the jurisdiction of the Department of Labor; however, SSA staffs may encounter BL related development. Black Lung will be covered in the Advanced Title II CR Course.

OBJECTIVE 1:

**Identify and determine the factors
of entitlement to DIB.**

Definition of Disability**DI 10105.065A****Definition**

Disability is defined as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of at least twelve (12) months. (DI 10105.065 A.1)

The 1967 Amendments amplified the definition to specify that workers shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that he or she is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy.

The term substantial gainful activity (SGA) means any significant activity, physical or mental, which is performed by the disabled individual over a reasonable period of time for which he/she receives remuneration or profit. (DI 10105.065A)

DIB Requirements for Entitlement

DI 10105.060

Requirements

To be entitled to DIB (cash benefits), an individual must:

- File an application.
- Meet DIB insured status. (This is covered in this lesson).
- Be disabled.
- Serve a waiting period (or be exempt from serving one).
- Not have attained FRA.

Onset Date

DI 11005.023, DI 25501.001

Onset is the first day a person meets the definition of disability; that is, the date all of the following are found to exist:

1. Absence of substantial gainful activity (SGA), and
2. A medically determinable severe impairment, and
3. Condition expected to last 12 months or end in death.

The applicant's allegation is the starting point for the determination of an onset date. It is referred to as the "alleged onset date" (AOD). It is entered on the IDEN screen

and on Form SSA-3368-BK. (The completed form contains the claimant's opinion of the date s/he became unable to work, and, if supported by the work record and medical evidence, can be established as the onset date (EOD-established onset date).

The established onset date (EOD) is the date finally determined by SSA. We consider the following when establishing a final onset date;

- Work record - The date the claimant ceased SGA is an important consideration in establishing onset. A person cannot be found disabled while performing SGA.
- Medical evidence - Medical evidence serves as the primary element in onset determination. Reports from all medical sources which bear upon the onset date will be obtained to determine when the impairment became disabling. The EOD must be based on facts and must be consistent with the medical evidence of record. This is the job of the DDS.
- Insured status – If the NH has not worked for several months, or years, prior to filing, s/he may not meet the insured status requirement at the time of filing and it should be determined if an earlier onset could be established. Also, a NH may not be insured until a future quarter, in which case, if the medical requirements are met, onset will be established as the first day of the first quarter insured status exists.

When the MBR is established, the EOD is found in the DDO (Date of Disability Onset) field in the disability line (DIB) on the MBR.

To become entitled to Social Security Disability benefits, a person must meet the non-medical requirements (insured status, no SGA) at the established medical onset date, or later.

Waiting Period**DI 10105.070, .075****Definition**

The waiting period is five full calendar months after the disability onset date. No benefits are payable during the waiting period.

Purpose

The philosophy behind the 5-month waiting period is that this period of time will be long enough to permit most temporary disabilities to be corrected or for the individual to show definite signs of possible recovery. (DI 10105.070)

Retroactivity

The maximum period of DIB retroactivity is 12 months.

The waiting period must have been served prior to those 12 months or full retroactivity is not payable. If the onset date is longer ago than 17 months, the waiting period always immediately precedes the 12 months of retroactivity rather than follow immediately after the onset date.

Examples

Date of filing is 2/15/03
Onset date is 1/15/03
Waiting period is 2/03-6/03
Month of entitlement would be 7/03

Date of filing is 2/15/03
Onset date is 1/15/01
Waiting period is 9/01-01/02
Month of entitlement would be 2/02 (12 months retroactivity)

Exception

No waiting period is required if NH had prior DIB which terminated within 5 years (60 mos.) before the current period of disability began.

DIB After Death

GN 00204.005C

Filing Period

An application for DIB may be filed within 3 months after the NH's death. This is referred to as "DIB after death."

(GN 00204.005C) The law has no provision allowing for good cause for late filing of a DIB after death claim.

The disability requirements are the same as for a living NH.

Survivor claims include a question which asks if the NH was disabled at the time of his/her death. A favorable determination may result in an underpayment, an increase in the death PIA, or both.

Applicability of DIB Freeze

DI 10105.125-.130, DI 10105.065B

Purpose

The purpose of a DIB Freeze is to eliminate the years of low earnings (due to a worker's disability) from the computation of benefits, and to preserve insured status. There is no limit of retroactivity on establishing a DIB freeze. (DI 1010.015)

Insured status is frozen to protect future rights and benefits. When an onset is established several years in the past, it is the DIB freeze that preserves insured status and allows payment to start based on a recent claim.

Any year wholly or partially in a period of DIB is excluded from the computation (not counted among elapsed years). This preserves a benefit based on earnings at the time disability began. This will be discussed fully in the DIB Computations lesson.

**Statutory
Blindness**

Statutorily blind workers can have a freeze established even though they are performing SGA, and not eligible for benefits. (DI 10105.025 - .040)

Freeze Only

Freeze is not a cash benefit and establishing a freeze only, without cash benefits, is rarely seen. Insured status can be established for freeze only using certain Railroad and Military earnings that cannot be used to establish insured status for cash benefits. As stated, this is very rarely seen. (DI 10105.005, DI 10105.140)

“DIB Freeze” is discussed in more detail later in the disability computation lesson.

OBJECTIVE 2:

Compute DIB insured status.

DIB Insured Status

RS 00301.120, DI 10105.125ff

**DIB Insured
Status**

To be insured for DIB, in the quarter of onset, NH must be both fully insured and meet 20/40.

If the NH is not insured in the calendar quarter of onset, but meets insured status at a later point, the ending period for computing insured status is extended to the quarter in which insured status is met. (DI 10105.155)

Fully Insured

The NH must have 1 QC for every year beginning with the year of attainment of age 22, and ending with the earlier of:

- The year before the year of disability onset,
- The year before the year of attainment of age 62,
- The year before the year of death.

See **Exhibit 1** (Determining DIB Fully Insured Status).

20/40

DI 10105.145

The 20/40 QC requirement is in addition to the fully insured requirement. It specifies that a NH must have 20 QCs during a 40 quarter period ending with the quarter of DIB onset. (RS 00301.120B)

Since we are counting the number of QC's within a certain time frame, it is important to note that QC's can be moved within a year to advantage a claimant. Quarters of coverage are flexible in that they may be assigned to any quarter in the calendar year whenever necessary to meet the requirements for insured status. See RS 00301.230

NOTE: There is a less restrictive insured status requirement which applies to persons who become disabled before the quarter of attainment of age 31, or who are blind. We will discuss this further in "special insured status."

EXAMPLE A:

DOO 2/12/00

Count back 40 calendar quarters beginning with the 3/00 quarter. You end with the 6/90 quarter. There must be 20 "Cs" within this period.

1990--CCCC	1994—NNNN	1998--NNNN
1991--CCCC	1995—CCNN	1999--CCCC
1992--CCCC	1996—CCCC	2000--NNNN
1993--NNNN	1997—CCCC	

In this example 20/40 is met by the NH.

EXAMPLE B:

DOO 08/31/99

1987--NNNN	1994--NNNN
1988--NNNN	1995--CCNN
1989--NNNN	1996--CCCC
1990--NNNN	1997--CCCC
1991--CNNN	1998--CCCC
1992--NNNN	1999--CCCC
1993--NNNN	2000--NNNN

In this example, the NH would not meet 20/40. The NH would have only 18 QCs out of the last 40 quarters.

Any calendar quarter during a prior freeze or a prior period of disability is excluded from the 40 quarter period, except the beginning and ending quarters if they are QCs. We may count the beginning and ending quarters if they are QC's as this may help the NH meet insured status.

Special DIB Insured Status

DI 10105.155**AGE 24 to 31
Requirements**

For an individual who is age 24 but not yet 31 years old at onset, the individual is too young to require a 40 quarter (ten year) work history, so the requirement to be insured for DIB is modified. (S)he must have one QC for every 2 calendar quarters that have elapsed since age 21, up to and including the quarter of onset. Quarters of coverage earned in or before the quarter of attainment of age 21 MAY NOT BE USED to meet this requirement. Keep in mind, though, that QC's may be moved with in a year to advantage a claimant.

When the required period described above involves an odd

number of elapsed calendar quarters, the odd quarter is dropped in determining the number of QCs required for insured status.

The younger individual must still meet 'fully insured' status as well.

Review **Exhibit 2**.

Age 24 or Younger

For individuals age 24 or younger, the requirement is modified even further to require 6 quarters of coverage in the 12 quarters ending with the quarter of onset. This can include quarters before age 21 if they fall in the 12 quarter period.

Special Age 31 Insured Status Examples

EXAMPLE 1: (This example is also explained in **Exhibit 2**)

NH's DOB 12/14/69; DOO 7/10/99

1991—NNNN	1996--CCNN
1992—CCCC	1997--CCCN
1993—CCCC	1998--CNNN
1994—CNNN	1999--CCNN
1995—NNNN	

ANSWER:

This NH is fully insured and meets the special insured status, since (s)he needs 17 QCs in the period 01/91(qtr after age 21)-09/99 (qtr of onset) and has 17.

SSA-1164

The SSA-1164 (see EXHIBIT 3) is a worksheet that can be used for determining if special disability insured status (rather than 20/40) is met when onset is before age 31. The SSA-1164 may be modified for use for claimants with onset before age 24 when QCs prior to age 21 must be counted by using the spaces at the top of each column.

The SSA-1164 has four sections of columns. You use only the section that represents the calendar quarter of the NH's

birthdate.

- 1) In the appropriate section, in the column headed "YR" and in the row labeled "21" (in the "age" column on the extreme lefthand side of the SSA-1164), enter the year the NH attains age 21.
- 2) In each following row, enter the years to age 31. The columns are pre-filled with two rows of numbers. The first row counts the quarters after age 21. The second row shows the number of QCs needed for disability insured status if onset is in that quarter.
- 3) Under these numbers, show whether that quarter is a "C" on the E/R.
- 4) Find and circle the quarter of the NH's disability onset.
- 5) As stated, the second pre-filled number in this space is the number of QCs needed for insured status. If there are that many "Cs" in the QC pattern you entered, the NH meets Disability insured status.

EXAMPLE 2:

NH's DOB 9/2/73; DOO 12/17/98

1994--CNNN	1997--NNNN
1995--NNNN	1998--CCCC
1996--CNNN	

ANSWER:

This NH is fully insured, but does not meet 20/40 or special insured status. Note, if it would have provided insured status, one of the QCs for 1994 could have been assigned to the 12/94 quarter.

The next page shows the appropriate column of a SSA-1164 completed for this example.

EXAMPLE 2 WORKSHEET

SSA-1164 (3rd Column Only)

AGE	YR			QA	
18					
19					
20					
21	94			AGE 21	1 6
22	95	2 6	3 6	4 6	5 6
23	96	6 6 C	7 6	8 6	9 6
24	97	10 6	11 6	12 6	13 6
25	98	14 7 C	15 7 C	16 8 C	17 8 C
26	99	18 9	18 9	20 10	21 10
27	00	22 10	23 11	24 11	25 12
28	01	26 13	27 13	28 14	29 14
29	02	30 15	31 15	32 16	33 16
30	03	34 17	35 17	36 18	37 18
31	04	38 19	39 19	/20/ /40/	

Worksheet for determining special insured status

8 QCs are needed for special insured status.

NH has only 5.

6 QCs are the minimum necessary for fully insured status.

Insured Status for Statutory Blindness**RS 00310.150, DI 10105.170**

A NH disabled by reason of statutory blindness needs only to be fully insured in the quarter of DIB onset. 20/40 is not required.

Insured Status for Government Employees**RS 00301.160, DI 10105.165**

Some Federal, State and local government employees pay only the Medicare portion of the FICA tax. These government employment QCs (reflected as F rather than C on an earnings record) can be used to meet fully insured status and 20/40 to qualify for Medicare (not cash benefits) if the employee becomes disabled. (RS 00301.160; DI 10105.165) The same requirements for insured status apply to MQGE's with respect to Medicare as apply for other workers with respect to cash benefits.

Special Insured Status—Prior Period of DIB Before Age 31**RS 00301.140, .147, DI 10105.160****Requirements**

Read RS 00301.147 for the requirements necessary to meet the Special Insured Status for NH's who had a prior period of DIB before age 31.

This provision applies only to disabled NH's who:

- Had a prior period of DIB established before age 31 and met only the special insured status requirement; AND
- Do not currently meet the 20/40 requirement. (DI 10105.160)

EXAMPLE:

NH's DOB 4/16/59. First period of disability DOO 5/16/84. The earnings record displayed:

1979--NNNC	1982--CNNN
1980--NNCC	1983--CCNN
1981--CCCN	1984--NNNN

The NH met DIB special insured status at that time. (S)he had 8 QCs out of the 16 calendar quarters that elapsed after attainment of age 21 through the quarter of onset (9/80 through 6/84 quarters).

The NH's DIB ceased in 10/87. The last month of payment was 12/87.

In 6/92 the NH refiled for DIB with a new DOO of 11/2/91. The earnings record now displays:

1979--NNNC	1984--NNNN	1989--CCNN
1980--NNCC	1985--CNNN	1990--CNNN
1981--CCCN	1986--NNNN	1991--CCCN
1982--CNNN	1987--CCCC	1992--NNNN
1983--CCNN	1988--CNNN	

To determine insured status for this second period of disability, we exclude the prior period of DIB beginning with the 6/84 quarter through the 9/87 quarter. We do not exclude the 12/87 quarter because it is a QC. It is advantageous to the NH to use it as part of the elapsed period.

Count the number of the quarters after age 21 (09/80 quarter) through the DOO (11/2/91). There are 32 elapsed quarters. The NH requires 16 QCs. The NH has 16 QCs and meets the special insured status for a second period of DIB. The SSA-1164, modified by the user, can be used in these situations.

Verifying Insured Status Online

MSOM 1724, 207K, MSOM 211, 1770F, 1770K

There are several ways to verify insured status online.

Before you establish a claim on MCS, you can use ICERs (Item 9 on the Main Menu) or the online PEBES query (Item 9 on the Main Menu).

To ICERs, select number 23 (Info/Cert Earnings Record) on the Master File Query Menu. Complete the screens as discussed in lesson CR-17. Include the alleged onset on the ICIC screen where it asks for onset. No other information is needed. If you select an onset date and the individual is not insured, ICERs will let you know on the "Informtnl" line if the individual is insured or not. In the "Dates" line, it will list the date you entered on the ICIC

screen. In the “Ins Stat” line, it gives the information on when the individual was first insured. ICERs can also be used with prior periods of disability; just answer “yes” on the ICIC screen under the question, “Prior Period(s) Disability” and it will then take you to the ICMD screen. (ICIC—MSOM 231-A, ICMD—MSOM 231-H)

To obtain an online PEBES query, select number 22 on the Query Menu (MFQM). You must enter the name and DOB on the request screen (PBRQ). The response shows both fully insured status requirements and 20/40 requirements. It also shows whether the requirements are met. It considers Special Insured Status for NHs under age 31. A benefit estimate is also shown. (MSOM 207-K, 211).

Once a claim is established in MCS, the Earnings Computation (EC) screens can be accessed. These will provide the most accurate determination of insured status and benefit amount. Select number 21 (Earnings Comp Request) on the SSA Menu (MENU). The MCR1 screen shows the date last insured and benefit computation. The DEII (select case display #3 on MCR1 and option #3 on MEIS) screen shows QCs required and QCs earned and date first insured. (MSOM 1770-F, 1770-K).

DISCO

DIB Insured Status Calculator Online

This is an ACCESS program located on the desktop of your IWS/LAN computer. It was downloaded to all sites in Feb 2001. DISCO uses uncertified earnings and therefore is used for informational purposes only, BUT it does a much more consistently accurate job of computing DIB insured status.

You must have open an NS ELITE session which must match the session listed on the DISCO screen. DISCO will obtain any queries needed in computing insured status—SEQY, NUMI, SSID, AACT. It will even order an ICERS if you request it. It will then compute the DIB insured status and date last insured (DLI) based upon the date of birth or onset the user provides.

If you wish to manipulate the QC pattern by adding or changing the earnings and posted quarters for computational purposes, DISCO allows you to do this and will refigure the insured status and DLI based on the new information.

See memos MSS 01-044 which first introduced the program and MSS 01-161 which introduced the latest version of the program with certain enhancements.

When using any of these methods:

- Be sure that lag earnings have been considered, including the current year
- Consider the effect of gaps or incomplete postings
- Remember that QCs after 1977 can be reassigned within a year to the quarter most beneficial to the NH.

OBJECTIVE 3:

Compute date last insured (DLI).

Date Last Insured

RS 00301.148**Definition**

The DLI (Date Last Insured) is the last day in the last quarter in which DIB insured status is met. The term “Date Last Met” (DLM) is also used and means the same thing.

Purpose

The FO and Disability Determination Service (DDS) need to know when disability insured status is last met because it determines the amount of development required.

- If DIB insured status is not met, do not send the claim to DDS.
- If the DLI is in the past, medical development of the NH’s current condition is not necessary.
- If a claim is finally adjudicated as a medical denial after the DLI, a new medical decision will not be made later unless the requirements for reopening are met (reopening is in a later lesson).

Examples

1. With no prior health problems, NH was injured in an accident on 3/21/03 (a traumatic onset), DLI is 9/30/02; claim must be technically denied in FO and must not be sent to DDS for a medical decision.

2. NH had heart attacks in 2000 and 2002 (non traumatic onset). DLI is 3/31/01. DDS must be informed to evaluate medical evidence only through 3/31/01

**Determining DLI
Age 31 or Later**

Follow these steps to determine the DLI when the NH is age 31 or older.

- Count back 20 QCs beginning with the last QC on the E/R (be sure to consider lag).
- Move back 1 additional quarter (which does not have to be a QC) and add 10 years. Moving back one additional quarter allows you to end up in the right quarter after adding the ten years. Under no circumstance should you include that one additional quarter within the ten year time frame.
- The DLI is the last day of the quarter arrived at if NH is both fully insured and the 20 QCs are all within the 10 year period.

Special Insured Status**RS 00301.140, DI 10105.155****Pre-Age 24**

For the NH who is pre-age 24, the DLI is figured using the same idea as used when NH is 31 or older. Count back 6 QCs, move back one additional quarter and then add three years (12 quarters) or to age 24, whichever comes first. If the 6 QCs are included in the 12 quarters, this is the DLI, unless the DLI is later using one of the other methods.

NOTE: We use whichever method -- 20/40 test or special insured rules -- will give the later DLI.

EXAMPLE:

DOB 1/10/82 AOD 1/7/03
2001—CNNN
2002—CCCC
2003—CNNN

The NH is insured as of the AOD because (s)he meets the pre-age 24 requirement (6 out of 12). The DLI is 9/04 since the 3/01 QC can be moved to 12/01.

EXAMPLE:

DOB 4/7/81 AOD 11/2/02

2001—CCCC
2002—CCCC
2003—NNNN

NH meets the pre-age 24 requirement (6 out of 12) for insured status. The DLI is 6/30/04

**DIB Onset
Between Ages 24-
31**

To determine the DLI when NH is age 24 to age 31:

- Count the number of QCs earned beginning with the quarter after NH turned age 21 and ending with quarter of onset
- Double that number and add 1 quarter
- Count forward that number of quarters (not only QCs) from the quarter after age 21.
- The last day of that quarter is the DLI, if all the QCs are within this period.

EXAMPLE:

If the NH has 19 QCs since he was age 21, he will be insured through the 39th quarter after reaching age 21.

DOB 8/15/74 AOD 3/1503

1995--CCCN	2000--CCNN
1996--CCCN	2001--CCCN
1997--CCCN	2002--CCNN
1998--CNNN	2003--CNNN
1999--CCCN	2004--NNNN

Age 21 is in the 9/95 (3rd) quarter.

Starting with the 12/95 quarter, count 39 quarters, which brings you to the 6/99 quarter. Since a QC in 1995 can be moved to the 4th quarter, the DLI is 6/30/05.

Using the SSA-1164

Review the partial SSA-1164 on the next page for computation of this DLI using the SSA-1164.

**Example Using SSA-1164
to Determine Pre-Age 31 DLI**

AG E	YR			QA	
18					
19					
20					
21	95			AGE 21	1 6 C
22	96	2 6 C	3 6 C	4 6 C	5 6
23	97	6 6 C	7 6 C	8 6 C	9 6
24	98	10 6 C	11 6	12 6	13 6
25	99	14 7 C	15 7 C	16 8 C	17 8
26	00	18 9 C	19 9 C	20 10	21 10
27	01	22 11 C	23 11 C	24 12 C	25 12
28	02	26 13 C	27 13 C	28 14	29 14
29	03	30 15 C	31 15	32 16	33 16
30	04	34 17	35 17	36 18	37 18
31	05	38 19	39 19	/20/ /40/	

Use the 3rd column, since the quarter in which the NH was age 21 is 9/95. Enter the years and the QCs for each year. One of the 1995 QCs should be assigned to the 12/95 quarter. Count the total of "Cs" shown. This NH has a total of 19 QCs. Locate the last quarter where "19" is the bottom pre-filled number. The last day of this quarter is the DLI if all 19 QCs are between age 21 and this quarter. The DLI in this case is 6/30/05.

Sometimes using the SSA-1164 is easier than manually counting the QC's when using the age 24-31 test.

DLI Points to Remember

In all DLI computations, the quarter arrived at is only a valid DLI if none of QCs counted come after that quarter, and fully insured status is met as of that quarter.

Be sure to consider lag earnings, including the current year.

The DLI is shown on the MCR1 screen in EC.

The DLI will change if the NH does additional work.

Date First Insured**DI 11010.325-I**

A claimant's alleged onset may fall before the claimant has actually attained insured status. This is frequently seen with younger claimants who have been referred by a SSI coworker for possible T2 benefits. Also with the assignment of QC's based upon annual earnings, it is now possible to determine insured status many months prior to the actual start of the insuring quarter. Therefore, if a claimant files a disability claim prior to meeting insured status, these claims must be transmitted to the DDS for a disability determination, unless otherwise excluded.

Remember that an onset for T2 cannot be established before the claimant is insured so looking for the date a claimant is first insured can be important. MCS EC screens will show the date first insured once the claim has been taken and the screens completed.

For a claimant who is under age 24, the date first insured is the first point (s)he has 6 QC's within a 12 quarter period.

For a claimant who is age 24 but under 31, the date first insured is the first point (s)he has earned enough QC's after age 21 as required in a particular quarter. Use of the 1164 is especially useful here.

OBJECTIVE 4:

Determine when benefits will be suspended or terminated.

Suspension due to Work**DI 10105.095****Introduction**

Read DI 10105.095. Disability beneficiaries are not subject to the same work test as retirement beneficiaries.

Any work that a disability beneficiary does must be evaluated and, if it is found to be substantial gainful activity (SGA), benefits may be terminated. In this lesson you'll receive a brief introduction to Trial Work Period (TWP), Substantial Gainful Activity (SGA), Extended Period of Eligibility (EPE), and Continuing Disability Reviews (CDRs). These topics will be covered in greater detail in later lessons.

Trial Work Period**DI 13010.035****Purpose**

The TWP is an incentive to work that allows DIB recipients who are still disabled to test their ability to work. It allows them to perform services in as many as 9 months (within a

60 consecutive-month period) without affecting their right to benefits.

**Months Counted
Toward TWP**

Any month in which more than \$570 (in 2003) is earned or more than 80 self-employment hours are worked, is part of the TWP (\$200 for wages and 40 hours for SEI before 01/01, \$530 in wages and 80 self-employment hours in 2001, \$560 in wages and 80 self-employment hours in 2002). (DI 13010.050)

After the completion of the 9-month TWP, work is evaluated. If work is SGA in the TWP and the 10th month, the 10th month is the disability cessation month and the period of disability ceases 2 months later. We pay benefits for these three months. No payment is due for months after the period of disability as long as the claimant is engaging in SGA

Benefits are suspended if work continues to be SGA.

Substantial Gainful Activity**DI 10500.000****SGA**

Earnings guidelines have been set for the purpose of evaluating whether work activity is Substantial Gainful Activity (SGA). (DI 10505) SGA is discussed in detail in CR 29.

Effective Jan 1, 2003, earnings that exceed \$800 per month will generally evidence ability to engage in SGA. The monthly SGA amount based on statutory blindness effective 1/1/03 is countable earnings averaging over \$1330 per month. (DI 10501.015)

The value of any subsidies provided by an employer and/or

any impairment-related work expenses (IRWE) must be deducted from the earnings before applying these guidelines.

Other criteria besides the earnings guidelines are used in evaluating work activity for self-employed persons. (DI 10510, DI 11010.195 & .200).

Extended Period of Eligibility

DI 13010.210ff

EPE

An extended period of eligibility (EPE) is granted to persons who complete a 9-month trial work period (TWP) and continue to have a disabling impairment.

This extension begins the month after the TWP ends (the 10th month), and ends with the first month of SGA after the 36-month period immediately following the TWP.

Payment is made for the month of cessation and for the following 2 months as previously described. In addition, payments are made for any EPE months in which the NH does not perform SGA. During this extended period, payments suspended due to SGA can be reinstated without the need for another application or disability determination.

The extension does not apply when there is a medical recovery. (DI 13010.210ff)

Expedited Reinstatement

DI 13050

EXR

The EXR provision allows certain previously entitled individuals, whose benefits stopped due to work, to request

reinstatement of disability benefits under title II and title XVI when their disabling impairment no longer permits them to perform substantial gainful activity (SGA). Here is brief summary:

- Effective January 1, 2001
- Had to have prior disability entitlement like HA, CDB, DWB
- Benefits ended due to work
- Must have same disabling condition
- Request filed within 60 months of prior termination
- Provisional payments of 6 months
- After 24 months of payments, can have new TWP and EPE.

Refer to the above reference for more in-depth coverage.

Other Suspension Events

DI 10105.095

Suspensions

There are other events that affect payment of DIB. Benefits may be suspended if:

- The beneficiary is statutorily blind and over age 55 and working at an SGA level and not entitled to a TWP,
- Beneficiary not a citizen or lawfully present,
- The beneficiary is an alien and has been out of the U.S. for more than 6 calendar months,
- The beneficiary has been deported,
- The beneficiary has been convicted of a charge involving subversive activity,
- The beneficiary is convicted of a crime or found not guilty by reason of insanity and is confined for more than 30 continuous days (GN 02607.300)

Terminating Events

DI 10105.010

Introduction

There are several things that can cause a disability benefit to be terminated. These events are:

- Death,
- FRA

- Medical improvement related to the ability to work, and
- Work activity (SGA)

The effective date of these terminating events are:

Death

Benefits are terminated due to death the last day of the month before the month the beneficiary dies.

EXAMPLE:

A DIB beneficiary died August 20; benefits terminate 7/31. She was entitled to the July payment which would have been received on 8/3/99. If the payment for August arrives in September, it should be returned.

FRA

Disability benefits terminate the last day of the month before the month the beneficiary attains full retirement age (FRA).

EXAMPLE:

John Smith, a DIB beneficiary, attained FRA on February 15. His last DIB benefit would be for January. His benefits would automatically be converted to a retirement insurance benefit effective for February. His benefit amount may remain the same but the retirement deduction and suspension events apply.

Medical Improvement Related to Ability to Work

Disability benefits terminate due to medical improvement related to the ability to work in the second month after the cessation month. In other words, benefits will continue for the month of cessation and two additional months. Note that SSA will find the individual's disability ceased (cessation month) (effective the month in which SSA mails him/her the notice saying that we have information which shows that he or she is not disabled).

EXAMPLE:

Joan, a DIB beneficiary, was notified in June that she was

no longer considered to be disabled as of June 15. She is due a benefit for June, July and August. The disability ceased June while the period of disability terminates as of 8/31.

A finding that a person has had medical improvement related to the ability to work (or is no longer disabled) will result in a medical cessation regardless of whether the beneficiary has worked or completed nine TWP service months. The individual would not be entitled to the full nine TWP service months if a medical improvement related to the ability to work occurs (or if medical improvement review standard criteria is met). DI 13010.065)

EXAMPLE:

A DIB beneficiary's entitlement began over 12 months ago. He returns to work in June this year. In September, his doctor submits a report that is used to establish that the NH is no longer disabled beginning in September. He was notified in October that it has been determined that he is no longer disabled. Cessation is effective in October. Benefits are due for October, November, and December. The period of disability terminates 12/31. No benefits are due after December, even though the NH has only been working for 7 months.

EXCEPTION: Benefits may continue to be paid to the beneficiary whose disability ceased due to no longer being disabled under the medical improvement review standard criteria as long as they are participating in an approved State VR program. (DI 13515.001)

SGA

Disability benefits will not terminate due to work activity before the first month after the end of the EPE. Payment will be suspended for months SGA is performed during the EPE beginning with the third month after the cessation month.

EXAMPLE:

Gary completed his TWP in December and continues to engage in SGA. Gary's disability will be determined to cease as of January (the 10th month), payment is due for the month of cessation plus 2 more months i.e., January through March) and benefits will be suspended effective April. Entitlement will not terminate until the first month of SGA after the end of the EPE.

EXHIBIT 1: DETERMINING DIB FULLY INSURED STATUS

I. Ending -

A. Enter year of disability onset _____

B. Enter year of age 62 attainment _____

C. Enter year of death (if applicable) _____

Circle whichever of A - C is earliest

II. Compute the number of QCs required -

A. Enter the date circled in I. above _____

B. Subtract the year the NH attained age 22. -- _____
(Cannot be earlier than 1951)

C. Result is the number of QCs required for fully _____
insured status (**minimum of 6 QCs required**)

NOTE: The ending year (in I.) is actually excluded in determining DIB fully insured status because it is partially or wholly in a period of disability. The result obtained in II. indicates the number of years up to but not including the ending year.

NOTE: If there was a Prior Period of DIB, be sure to count the number of years either wholly or partially within the prior period. Then subtract that from the number arrived in III. However, remember that it cannot be less than 6 QC's.

EXHIBIT 2: SPECIAL INSURED STATUS FOR DISABILITY BEFORE AGE 31

REQUIREMENTS -

1. Become disabled before the calendar quarter in which he/she attains age 31, AND
2. Be fully insured, AND
3. If disabled after the quarter of age 24 attainment – have earned QCs in at least $\frac{1}{2}$ of the calendar quarters beginning with the calendar quarter after age 21 attainment, OR
4. If disabled in the quarter of age 24 attainment or earlier – have earned 6 QCs out of the 12 calendar quarters ending with the quarter of onset.

EXAMPLE 1 NH's DOB 12/14/69 DOO 7/10/99

1991--NNNN	1996--CCNN
1992--CCCC	1997--CCCN
1993--CCCC	1998--CNNN
1994--CNNN	1999--CCNN
1995--NNNN	

NH became disabled in the 35th quarter after reaching age 21 and needs 17 QCs at that point to be insured. Since the NH has 17 QCs in that period, the NH meets special insured status.

Using the 4th column, because DOB is in the 4th qtr, an SSA-1164 should be completed as shown on the following page.

**EXHIBIT 2 - SPECIAL INSURED STATUS FOR
DISABILITY BEFORE AGE 31 (cont.)**

						YR				QA
						90				AGE 21
						91	1 6	2 6	3 6	4 6
						92	5 6 C	6 6 C	7 6 C	8 6 C
						93	9 6 C	10 6 C	11 6 C	12 6* C
						94	13 6 C	14 7	15 7	16 8
						95	17 8	18 9	19 9	20 10
						96	21 10 C	22 11 C	23 11	24 12
						97	25 12 C	26 13 C	27 13 C	28 14
						98	29 14 C	30 15	31 15	32 16
						99	33 16 C	34 17 C	35 17	36 18
							37 18	38 19	39 19	20 40

EXHIBIT 3: SSA-1164**WORKSHEET - SPECIAL INSURED STATUS**

AGE	YR	QA				YR		QA			YR			QA		YR				QA
18																				
19																				
20																				
21		AGE 21	1 6	2 6	3 6			AGE 21	1 6	26				AGE 21	1 6					AGE 21
22		4 6	5 6	6 6	7 6		3 6	4 6	5 6	6 6		2 6	3 6	4 6	5 6		1 6	2 6	3 6	4 6
23		8 6	9 6	10 6	11 6		7 6	8 6	9 6	10 6		6 6	7 6	8 6	9 6		5 6	6 6	7 6	8 6
24		12 6*	13 6	14 7	15 7		11 6	12 6*	13 6	14 7		10 6	11 6	12 6*	13 6		9 6	10 6	11 6	12 6*
25		16 8	17 8	18 9	19 9		15 7	16 8	17 8	18 9		14 7	15 7	16 8	17 8		13 6	14 7	15 7	16 8
26		20 10	21 10	22 11	23 11		19 9	20 10	21 10	22 11		18 9	19 9	20 10	21 10		17 8	18 9	19 9	20 10
27		24 12	25 12	26 13	27 13		23 11	24 12	25 12	26 13		22 11	23 11	24 12	25 12		21 10	22 11	23 11	24 12
28		28 14	29 14	30 15	31 15		27 13	28 14	29 14	30 15		26 13	27 13	28 14	29 14		25 12	26 13	27 13	28 14
29		32 16	33 16	34 17	35 17		31 15	32 16	33 16	34 17		30 15	31 15	32 16	33 16		29 14	30 15	31 15	32 16
30		36 18	37 18	38 19	39 19		35 17	36 18	37 18	38 19		34 17	35 17	36 18	37 18		33 16	34 17	35 17	36 18
31		20 40	20 40	20 40	20 40		39 19	20 40	20 40	20 40		38 19	39 19	20 40	20 40		37 18	38 19	39 19	20 40

*Attainment age 24
Form SSA-1164 (4-82)

Exhibit 3 (cont)**INSTRUCTIONS FOR COMPLETION**

Use of the form SSA-1164 is limited to those cases where special insured (SI) status is involved, and the worker is disabled prior to the quarter of attainment of age 31.

Complete the worksheet as follows:

1. Select the column in the shaded area of the form that corresponds with the quarter of attainment of age 21.
2. Enter the year of attainment of age 21 and the succeeding years as needed.
3. Using the earnings record and any other primary evidence of wages of SEI as a reference, enter a "C" in each block of the SSA-1164, in which the NH has earned a quarter of coverage.
4. Enter an "X" in the block on the SSA-1164 corresponding to the date of disability onset

The top number in each block represents the number of elapsed quarters after age 21.

The bottom number in each block represents the number of QC's needed to meet special insured status at that point.

If the number of elapsed quarters is an odd number, the odd QC is dropped. In this instance the required amount of QC's will be the same as the amount of QC's shown in the prior even number block (e.g., the required number of QC's is 10, when either 20 or 21 quarters have elapsed after age 21.)

5. If the date of disability onset is at age 24, or earlier, the required number of QC's is always a minimum of 6. These 6 QC's must be earned in the 12 quarter period ending with the quarter of onset, i.e., if onset occurred at the age of 23, the 12 quarter period begins with the third quarter prior to attainment of age 21.
6. The date insured status is last met is determined by finding the last block where the bottom number agrees with the total number of QC's that the NH has earned. For example if a NH has a total of 7 QC's after age 21, the last day of the 15th quarter after age 21 would be the date insured status was last met.

When the period of disability cannot begin in the quarter of onset (as the NH does not meet insured status at that point) it begins with the first day of the quarter in which the qualifying QC to meet SI is earned.

EXHIBIT 4: DETERMINING DATE LAST INSURED (DLI)**Regular DIB Insured Status (20/40)**

1. Count back 20 QCs beginning with the last QC on the earnings record.
2. Count back one additional calendar quarter, which does not have to be a QC.
3. Advance 10 years (40 calendar quarters) from solution in step 2.
4. If the 20 QCs used in step 1 are contained in the 40 quarter period in step 3, the last day of the quarter in step 3 is the DLI. If not, start over with step 1, using the next earlier posted QC and repeat this process.

Special Insured Status

1. Disabled prior to age 24 - use the ending date of the last 12 quarter period in which the NH has 6 QCs. This is the DLI unless a later DLI can be established using the pre-age 31 or 20/40 method.
2. Disabled age 24 to age 31 - using the SSA-1164, find the last block where the preprinted bottom number agrees with the total number of QCs earned after the quarter of age 21 attainment. This is the DLI if all C's are in or before this quarter, unless this date exceeds attainment of age 31, in which case 20/40 applies.

Without a SSA 1164, double the number of QCs earned after age 21, add 1, and count this number of quarters beginning the quarter after age 21.

EXERCISE #1**OBJECTIVE 1:**

Identify and determine the factors of entitlement to DIB.

Part I:

Indicate whether each of the following statements is true or false and explain your answer (Assume no prior disability.)

_____ 1. A DIB applicant must always serve a 5-month waiting period.

ANSWER:

_____ 2. A NH must be insured at the date of filing to receive SSA DIB.

ANSWER:**Part II:**

For each of the following, determine if the individual meets the requirements for entitlement to DIB. Explain your answers.

1. Cynthia Smith, age 52, files a disability application alleging that she became disabled 8 months ago when she had a heart attack. She does not have insured status.

ANSWER:

EXERCISE 1 (Continued)

2. Sam Jefferson, age 61, files for DIB. He was in a car accident a year ago and has not worked since. He is insured for DIB and is found to be disabled as of his alleged disability onset date.

ANSWER:

3. Stanley Warman, age 66, inquires about filing for DIB. He says he hurt his back last week and can not work anymore. He appears to meet DIB insured status.

ANSWER:

EXERCISE #2**OBJECTIVE 2:**

Compute DIB insured status.

1. Review the earnings record below and determine if DIB insured status is met. Explain your answer.

DOB = 3/16/42; DOB = 7/19/02

1987 - CCCC	1995 - CCCC
1988 - NNCC	1996 - CCNN
1989 - NNCC	1997 - CCCC
1990 - CCCC	1998 - CNNN
1991 - CCCC	1999 - CCNN
1992 - NCCN	2000 - NNNN
1993 - NCNN	2001-CCCN
1994 - CNNN	2002-CCNN

ANSWER:

EXERCISE 2 (Continued)

2. DOB = 4/29/72; DOO = 8/11/02

Earnings record shows:

1991-CCCC	1997 - CCCC
1992-CCCC	1998 - CCCN
1993-CCCC	1999 - NNNN
1994-NNNN	2000 - NNNN
1995-CCNN	2001 - NNNN
1996-CCCC	2002 - NNNN

- a. Is NH insured for DIB as of his alleged onset date?
- b. If NH's onset is 2/11/02, is he insured?

ANSWER:

3. DOB = 12/23/80; DOO = 12/15/2002

Earnings record shows:

1999 - NNNN	2001 - CCCC
2000 - NNNN	2002 - CCCC

Is the NH insured for DIB?

ANSWER:

EXERCISE 2 (Continued)

4. Jean files an application for RIB. She alleges being disabled, with an onset date of 8/15/02. Her DOB is 10/31/38.

The earnings record shows:

Maximum postings 1954-1979

No work 1980-1989

1990 - NNCN	1996 - CCCC
1991 - CCNN	1997 - CNNN
1992 - CNNN	1998 - CCNN
1993 - CNNN	1999 - CNNN
1994 - CCNN	2000 - CCNN
1995 - CCCN	2001 - CCNN
	2002 - CCCN

- a. Is DIB insured status met if she is found medically disabled?
- b. What is the waiting period?
- c. When can DIB benefits be paid?

ANSWER:

EXERCISE 2 (Continued)

5. Tom, DOB 1/15/44, files an application for disability as a statutorily blind NH. He alleges an onset date of 10/24/02. His earnings record shows the following postings:

1971 - CCNN	1986 - CCCN
1972 - CCCC	1987 - NNNN
1973 - CCCC	1988 - NNNN
1974 - NNNN	1989 - NNNN
1975 - NNNC	1990 - NNNN
1976 - NNCN	1991 - NNNN
1977 - NNNN	1992 - NNNN
1978 - NNNN	1993 - CNNN
1979 - NNNN	1994 - NNNN
1980 - NNNN	1995 - NNNN
1981 - NNNN	1996 - NNNN
1982 - NNNN	1997 - NNNN
1983 - NNNC	1998 - CCCC
1984 - CCCC	1999 - CCCC
1985 - CCCC	2000 - CCCC
	2001 - CCCC

Is Tom insured for disability insurance benefits as of his alleged onset date?

ANSWER:

EXERCISE 2 (Continued)

6. Mickey filed for E4 and C1 benefits on 7/15/02, alleging that his late wife, Georgia, DOB 8/15/47, DOD 5/31/02, had a disability beginning 11/1/99. Georgia had no earnings prior to 1998. The earnings record shows:

1998 - CCCC	2001 - NNNN
1999 - CCCC	2002 - NNNN
2000 - CCCN	

a. Can DIB After Death benefits be paid?

b. Can survivor benefits be paid?

ANSWER:

7. Mary filed a disability claim in 12/96. She was born on 12/23/71. Her DIB was established beginning 6/12/96 and ceased 12/99. In 12/02 Mary files a claim alleging an onset of 10/2/02. Earnings record shows:

1992 - NNNN	1997 - NNNN
1993 - NNNN	1998 - NNNN
1994 - CCCC	1999 - NNNN
1995 - CCCC	2000 - CCCN
1996 - CNNN	2001 - CCNN
	2002 - NCCC

a. How many QCs did Mary require for her first period of DIB?

b. How many QCs does Mary need for her second period of DIB?

ANSWER:

EXERCISE #3**OBJECTIVE 3:**

Compute date last insured (DLI).

Compute the DLI for the following (use the SSA-1164, if needed). Assume NH is fully insured.

1. DOB 4/29/41

	1992 CCNN	1999 CCCN
1986 CCCC	1993 CNNN	2000 NNNN
1987 NNNN	1994 CNNN	2001 NNNN
1988 CCCN	1995 CCNN	2002 NNNN
1989 CCCC	1996 CCNN	
1990 CNNN	1997 CCCN	
1991 CCNN	1998 CCCN	

ANSWER:

2. DOB 8/31/79

1996 NNNN	1999 CCNN	2001 CNNN
1997 CNNN	2000 CCCC	2002 NNNN
1998 CCNN		2003 NNNN

ANSWER:

EXERCISE 3 (Continued)

3. DOB 9/30/74

1996 NNNN	1999 CCNN	2002 CCCC
1997 NNNN	2000 CNNN	2003 CCNN
1998 NNNN	2001 CCNN	

ANSWER:

4. DOB 1/3/75

1995 CCCC	1999 CCCC	2003 NNNN
1996 CNNN	2000 CCCC	
1997 NNNN	2001 CCCC	
1998 NNNN	2002 CNNN	

ANSWER:

EXERCISE #4**OBJECTIVE 4:**

Determine when benefits will be suspended or terminated.

1. Georgette S. has been receiving DIB for over 10 years. She passed away in July this year. What is the last month for which she is entitled to benefits?

ANSWER:

2. Ted A. has been receiving DIB since age 47. He reaches age 65 in October this year. Determine the last month DIB is payable.

ANSWER:

3. Scott L. is determined to no longer be disabled under the medical improvement review standard and a notice is sent dated April 15th, this year. When is he last eligible for a DIB check?

ANSWER:

EXERCISE 4 (Continued)

4. If Scott returned to work in April this year, with no medical improvement, and continued to work above an SGA level, when would he last be paid a check? When would his disability entitlement end?

ANSWER:

5. Tammy S., a DIB beneficiary, reports she made \$1,500/month working 6 months last year. She has stopped working and this is her only work activity since she became entitled to DIB. She is still disabled, and wants to know what effect her work has on her benefits.

ANSWER:

EXERCISE ANSWERS**Exercise #1 – Part 1**

- 1) True. (DI 10105.070-.075)
- 2) False. The NH must be insured at onset, or the beginning of the waiting period. (DI 10105.145)

Exercise #1 – Part 2

- 1) No. She does not meet insured status. Review E/R carefully for possible additional QC's.
- 2) Yes. He meets all requirements.
- 3) No. He is over age 65. (DI 10105.060)

Exercise #2

- 1) Yes, 20/40 is met. The 40-quarter period ends with the 09/02 quarter and begins in the 12/92 quarter. The NH has 21 QCs during that period (move an '92 QC to the last quarter), and also has the 38 QCs needed to be fully insured. (RS 00301.120)

2a) No, the NH does not meet 20/40. The NH has only 18 QCs during the 40-quarter period, 12/92-9/02. Since the NH is under the age of 31, special insured status must also be considered. To meet special insured status, the NH needs 18 QCs out of the 37 QCs in the period beginning with the 09/93 quarter (the quarter after the quarter of attainment of age 21) and ending with the 09/02 quarter (the quarter of onset). The NH does not meet special insured status, since he only has 15 QC's in this period

2b) Yes, while the NH does NOT meet the special insured test (24-31) he would meet "regular" 20/40. The 40-quarter period would begin with the 6/92 quarter and end with the 03/02 quarter. (RS 00301.120, .140)

3) Yes. NH needs 6 QCs in the 12-quarter period that ends in the 1202 quarter. NH has 8 QCs. (RS 00301.140)

4a) Yes.

4b) 09/02-01/03

4c) 02/03 on

NOTE: that RIB would be payable for 09/02-01/03 period. RIB would then terminate in favor of the higher DIB benefit. (RS 00615.410)

5) Yes, statutorily blind NHs need only meet fully insured status. Tom needs 35 QC's and has earned them. The QC's may be earned at any time up to the first month of the waiting period. (RS 00301.120)

6a) No. Georgia is not fully insured, nor does she meet 20/40.

6b) Yes, Georgia meets currently insured status (6 QC's in the 13 quarter period ending with the quarter of her death. (RS 00301.110,.120)

NOTE: currently insured status is NOT the same as the under age 24 special DIB insured test.

7a) 7 QCs - Elapsed QTRs begin 03/93 (QTR following QTR attained age 21) and end 6/96 (QTR she became disabled); $\frac{1}{2}$ of 14 elapsed QTRs equals 7.

7b) 12 QCs. Beginning period is 03/93 and ends 12/02 (QTR of new onset) and excludes the prior period of DIB (06/96 through 12/99 quarters) NH has 25 elapsed QTRs. The odd number of QC's is rounded down to 24. One-half of 24 = 12 QCs.

Exercise #3

- 1) 09/30/00
- 2) 09/30/02 - One of the QCs in 1999 can be moved to the 12/99 QTR. (RS 00301.140, .230)
- 3) NH is not insured at any point. (RS 00301.140)
- 4) 06/30/2003 - The 03/96 QC can be allocated to the 12/96 QTR. (RS 00301.140, .230)

Exercise #4

- 1) June, this year, month before month of death. (DI 10105.010)
- 2) DIB terminates September this year. This benefit will be converted to RIB effective in October (age 65). (DI 10105.010)
- 3) June this year, the 2nd month after cessation. (DI 10105.010)
NOTE: The termination date is contingent on the notice date generally.
- 4) March next year. TWP ends in December; cessation in January, paid for month of cessation; plus two additional checks (benefits suspended for EPE payments unless his earnings go below SGA). (DI 10105.010, DI 13010.065)
- 5) She has used 6 of her TWP months and has 3 TWP service months remaining in her current rolling 60 month period. She should recontact SSA if she returns to work or her doctor indicates she is no longer disabled. (DI 10105.010, DI 13010.060)

